

REMARKS

Claims 1-26 were pending in the application. Claims 1, 15, 23, 25 and 26 are amended. Favorable reconsideration and allowance of this application is respectfully requested in light of the amendments and the foregoing remarks.

1. Indication of Allowable Subject Matter

Applicant wishes to thank the Examiner for indication that claims 3-9, 11, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claim 15 to place in independent form, including all of the limitations in the base claim 1 and any intervening claims. Claim 16 depends directly from claim 15, and is believed allowable for the same reasons that claim 15 is believed allowable.

2. Rejections based on alleged prior art

The Examiner rejected claims 1, 2, 10, 13, 14, and 17-24 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,779,765 to Neumeyer (herein the Neumeyer patent). Claim 12 stands rejected under 35 U.S.C. 103(a) as being unpatentable over the Neumeyer patent.

Claim 1 as amended recites a system for distributing first and second materials, comprising first and second sources holding the first and second materials, respectively, a plurality of distribution units, and a nurse distribution mechanism configured to selectively communicate each of the sources with each of the distribution units by

which each of the first and second materials from the respective first and second sources can be individually transmitted to the plurality of distribution units.

The Neumeyer patent does not teach or suggest a nurse mechanism configured to individually transmit the different materials in each source to each of the alleged distribution units.

In fact, the Neumeyer patent teaches away from such configuration. The Neumeyer patent discloses an adjustable divider arrangement 110 that includes a fertilizer baffle 72 and a seed baffle plate 74 (col. 3, lines 15-22). The fertilizer baffle 72 directs fertilizer to a venture area 82 to direct fertilizer for distribution fertilizer conduit 36 for delivery to the fertilizer distributor 42 and tubes 46 (col. 3, lines 25-46 and Fig. 1). The seed baffle plate 74 directs the supply of seed to the venture area 84 for distribution via the seed distributor 44 and tubes 48. An adjustable plate assembly 112/114 diverts a portion of metered fertilizer to the forward compartment 62 as starter fertilizer to be fed with a supply of seed for distribution by the seed distributor 44 and tubes 48 (col. 3, lines 47-52). The illustrated seed distributors 44 and tubes 48 and more shallow located fertilizer distributor 42 and tubes 46 teaches away from transmitting the seed to the tubes 42 and 46.

In view of the amendments and the above remarks, the Neumeyer patent does not disclose each and every limitation of the claimed invention. Accordingly, allowance of claim 1 is respectfully requested.

Claims 2-14 and 17-22 as amended depend either directly or indirectly from claim 1, and are believed allowable for the same reasons that claim 1 is believed

allowable. Claims 2-14 and 17-22 also recite patentable subject matter in addition to claim 1, as indicated by the Examiner (See page 3 of Office Action dated April 14, 2005).

Claim 23 as amended recites an agricultural vehicle that includes, inter alia, a nurse distribution mechanism coupled between the tanks and the distribution units by which each of a first and a second materials from the respective first and second tanks can be individually transmitted to each of the plurality of distribution units.

For reasons similar to those described above for claim 1, none of the cited references disclose a nurse distribution system coupled to individually transmit different materials from different respective sources to each of the distribution units as recited in claim 23 as amended. In fact, the designated fertilizer distributor and seed distributor teach away from this claimed subject matter. Accordingly, Applicant respectfully requests reconsideration and allowance of claim 23.

Claim 24 depends directly from claim 23, and is believed allowable for the same reasons that claim 23 is believed allowable. Claim 24 may also recite patentable subject matter in addition to claim 23. The cited references do not teach or suggest the claimed nurse distribution mechanism where the first and second materials are seed materials as recited in claim 24.

Claim 25 as amended recites a method of distributing first and second materials from an agricultural work vehicle onto a surface, the method comprising receiving the first material into a first compartment and the second materials into a second compartment; transmitting a first portion of one of the first and second materials by way

of a nurse distribution mechanism to at least one metering device while preventing the other of the first and second materials from being transmitted; distributing the first portion by way of the at least one metering device; communication a command concerning a change in a status of a controlled device including at least one of the nurse distribution mechanism and the at least one metering device; changing the status of the controlled device in response to the command; transmitting a second portion of the other of the first and second materials by way of the nurse distribution mechanism to the at least one metering device while preventing the one of the first and second materials from being transmitted; and distributing the second portion by way of the at least one metering device.

For reasons similar to those described above for claims 1 and 23, none of the cited references teaches or suggests individually transmitting different materials to each of the distribution units as recited in claim 25. Applicant respectfully requests reconsideration and allowance of claim 25.

Claim 26 depends directly from claim 25, and is believed allowable for the same reasons that claim 25 is believed allowable. Claim 26 may also recite patentable subject matter in addition to claim 25. For example, none of the cited references teach or suggest the step of determining a time period required for the first portion of the one material to be completely distributed by the at least one metering device subsequent to changing the status of the controlled device, determining a time at which the agricultural vehicle is expected to reach a position at which the second portion should

begin to be distributed, where the status of the controlled device is changed in advance of the time by the time period as recited in claim 26.

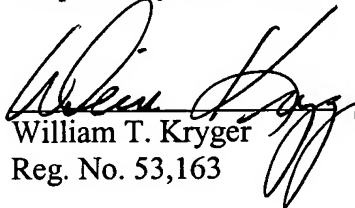
CONCLUSION

It is submitted that claims 1-26 define patentable subject matter. A Notice of Allowance is therefore respectfully requested.

A fee of \$320.00 is included for one independent claim exceeding a total of three independent claims and for a one-month extension. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, authorization is given to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,


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